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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,859	06/03/2005	Ikuko Yairi	7649-0001WOUS	9314

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EXAMINER	
CHEEMA, AZAM M	
ART UNIT	PAPER NUMBER
2166	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,859	YAIRI ET AL.	
	Examiner	Art Unit	
	AZAM CHEEMA	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,6 and 11-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,6 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment filed on 04-23-2008 for application 10/519,859. Claim 5 has been amended. Claims 5-6 and 11-13 are pending in this application.

Response to Arguments

2. Applicant's argument with respect to the claims 5 has been considered but is in view of the new ground(s) of rejection. After a through examination of the present application, claims 5-6 and 11-13 are remain rejected.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the phrase "inputting physical disability information on and a destination of a user from a communication terminal and computing a guide route of an optimum sidewalk to a disability condition of the user" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fruchterman et al (US PAT. NO 5,470,233) in view of Nakano et al (US PAT. NO 6,636,802 B1).

For claim 5, Fruchterman teaches:

A method of supporting a self-sustained moving comprising the steps of:

inputting physical disability information on and a destination of a user from a

communication terminal (col.3, lines 15-17 and lines 26-32 and col.9, lines 10-19, this invention includes a software program that runs a satellite geo positioning system primarily intended for people that are visually impaired, a complete geo positioning system comprises a GPS a DGPS receiver a notebook computer a database Sextant software and output system, by selecting a first point or address, and a second point or address, the user retrieves a feature list presentation, which could include any feature of either point);

computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on the physical disability information inputted from the communication terminal and sidewalk data stored in a database (col.3, lines 44-55, col.5, lines 33-38 and col.7, lines 10-12, different users can incorporate locations and features of particular importance into a user defined map database, by taking a GPS reading at that location and then typing the corresponding feature information into the laptop computer a user- defined map database is created, all menu choices can be garnered from this keypad, so that the blind pedestrian has a more direct method of retrieving information the keypad can be attached with an extension connector on the laptop, by using the Sextant software and GPS system the pedestrian can identify his exact position along the sidewalk);

combining the computed guide route with a map data stored in the database to output it as an electronic map the map data being constructed for a pedestrian and displaying the electronic map showing the guide route on the communication terminal (col.3, lines

20-32 and col.16, lines 44-47, Sextant accurately determines a user's geographical location in a region using the GPS and then appropriately presents features of that location to the user verbally or through a Braille display. Importantly, the presentation of features describing each location is in a format that is appropriate for a blind pedestrian. A complete geo positioning system comprises a GPS, a DGPS receiver, a notebook computer, a database, Sextant software, and an output system. Preferably, the output system is a voice synthesizer. However, other types of output designed for the blind are anticipated. For instance, a Braille display could be used to output the location information to the user instead of a voice synthesizer, inputting a street address the map database can locate its corresponding longitude and la for determining a user's position relative to addresses on the street).

Wherein the step of computing the guide route includes preferentially computing the sidewalk having similar physical disability information to that user (col.4, lines 2-9, col.19, lines 12-17, the system records the GPS coordinates of known geo graphical locations that the user passes during his route and stores them to a history file, the user can then use the Sextant software to replay the history file, the decision of whether to present the closest physical address or not is determined by a set of preferences that are pre-programmed by the user. By default, pedestrian safety-related addresses are given the highest priority. These would be construction zones, raised walkways or other hazards that might pose a threat to a blind pedestrian).

But does not explicitly teach that has been passed by a plurality of users.

However, Nakano et al teaches that has been passed by a plurality of users (co.1, lines 25-30, Cartographic files to be provided to users and their relevant data are previously recorded in the storage media. The storage devices read the cartographic files recorded in the storage media when necessary. The read cartographic files are referred to by the users, or used in route search or map matching process).

It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine Nakano's teaching with Fruchterman's teaching provide a map providing system which can efficiently use the storage region of the terminal device and can also efficiently use the transmission path between the center station and the terminal device (see col.4, lines 32-36, Nakano's).

For claim 6, note that the guide route of the electronic map displayed on the communication terminal is displayed to designate the sidewalk to be passed (col.3, lines 20-32 and col.16, lines 44-47, Sextant accurately determines a user's geographical location in a region using the GPS and then appropriately presents features of that location to the user verbally or through a Braille display. Importantly, the presentation of features describing each location is in a format that is appropriate for a blind pedestrian. A complete geo positioning system comprises a GPS, a DGPS receiver, a notebook computer, a database, Sextant software, and an output system. Preferably, the output system is a voice synthesizer. However, other types of output designed for the blind are anticipated. For instance, a Braille display could be used to output the location information to the user instead of a voice synthesizer, inputting a street address the

map database can locate its corresponding longitude and la for determining a user's position relative to addresses on the street, Fruchterman's).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fruchterman et al (US PAT. NO 5,470,233) in view of Nakano et al (US PAT. NO 6,636,802 B1) further in view of Kaiho et al (US PAT. NO 3,905,437).

For claim 11, Fruchterman and Nakano do not explicitly teach wherein the physical disability information includes use of a wheelchair.

However, Kaiho et al teaches wherein the physical disability information includes use of a wheelchair (Abstract, in a wheelchair for disable persons having side wheels with hand rims).

It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine Kaiho's teaching with Fruchterman's and Nakano's teaching to provide a wheelchair for disabled persons, which can be driven by an electric motor when it is desired, so that the climbing or descending of the wheelchair over a step is facilitated (col.1, lines 40-44, Kaiho et al).

For claims 12-13, wherein the sidewalk data includes barrier information for moving in a wheelchair (col.4, lines 43-60 there is indicated diagrammatically the operation of the wheelchair for upwardly overriding a step 10 of, for instance, a curb of a sidewalk. In the diagram, the positions of the center of the hand-operated side wheels

at different instants are indicated sequentially at A, B, and C, respectively. In this case, although the wheelchair is driven by the electric power drive, the power drive device is once elevated from the lowered state shown in FIG. 3 to the elevated position shown in FIG. 1. Then the entire wheelchair is tilted backward by, for instance, the disabled person tilting his body backward, so that the front wheel is elevated from the surface of the road, and the wheelchair is supported on the road by the side wheels the center of which is now at the point A and by the driving wheel 5 of the power drive, Kaiho et al).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azam Cheema whose telephone number is 571-270-

1753. The examiner can normally be reached on Monday-Friday 7.30a.m-5.00p.m ALT Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. C./

Examiner, Art Unit 2166

July 14, 2008

/S. L./, July 17, 2008

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166